

REMARKS

In response to the action of January 24, 2006, applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks.

Claims 1-3, 6-9, 12-35, 38-43, 46-53, 56-59, 62-85, 88-93 and 96-100 are pending in the application, and claims 13-34, 39-42, 47-50, 63-84, 89-92 and 97-100 having been withdrawn from consideration. Of the claims under consideration, claims 1, 7, 35, 43, 51, 57, 85 and 93 are independent, and claims 1, 7, 35, 43, 51, 57, 85 and 93 have been amended. Support for these amendments may be found in the application at, for example, page 7, lines 16-24. No new matter has been introduced.

Rejection under Section 112, Second Paragraph

Claims 35 and 43 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, claims 35 and 43 have been amended. Applicant believes that all of the Examiner's concerns have been addressed. For at least these reasons, applicant respectfully requests reconsideration and withdrawal of this rejection of claims 35 and 43.

Rejection under Section 103

Claims 1-3, 6-9, 12, 35, 38, 43, 46, 51-53, 56-59, 62, 85, 88, 93 and 96 were rejected under 35 U.S.C. § 103 as being unpatentable over Ritter (U.S. Patent No. 6,657,538) in view of Harkin (U.S. Patent No. 6,327,376). Applicant requests reconsideration and withdrawal of this rejection because neither Ritter, Harkin nor any proper combination of the references describes or suggests the subject matter of independent claims 1, 7, 35, 43, 51, 57, 85 and 93, as described more fully below.

Amended claim 1 recites a system for identifying an individual including, *inter alia*, means for judging legitimacy of the user by checking read biological information with the reference biological information.¹ The system also includes means for transmitting information

¹ The underlined portion was added by this amendment, and, naturally, was not addressed by the Office action.

about the judgment to a destination of communication when the read biological information has matched the reference biological information.²

Ritter does not describe or suggest means for judging legitimacy of the user by checking read biological information with the reference biological information and means transmitting information about the judgment to a destination of communication when the read biological information has matched the reference biological information, as recited in amended claim 1. Rather, Ritter discloses techniques for authenticating persons by processing video information of body features of a user to derive a personal biometric key that then is stored on a SIM-card for later use in authenticating the user. See Ritter at Abstract. See also Ritter at FIG. 1 (showing a communication terminal 1 having a SIM-card 3 with tables 4 storing user biometric information) and col. 3, line 57 to col. 4, line 1 (describing FIG. 1). Ritter's techniques authenticate the user based on deriving a biometric key using current video information of the body feature and comparing the newly derived biometric key with the previously stored biometric key. See Ritter at Abstract and col. 4, lines 16-52. Ritter indicates that the authentication program may be located in the SIM-card, and that a biometric server may be used to confirm the authenticity and integrity of the biometric keys. See Ritter at col. 4, lines 26-32 and 37-40.

In another aspect, Ritter discloses a variant in which authentication is not primarily used to control the usage of the communication terminal (e.g., mobile radio telephone) on which the SIM card is inserted. Rather, in this variant, the result of the authentication is transmitted to an external secured device, which permits or refuses the access to the access to the device accordingly. See Ritter at col. 5, lines 10-14. Examples of external secured devices, as provided by Ritter, include an automatic teller machine, a video terminal for information inquiries, an entrance to a secured building, or the entrance to a restricted area. See Ritter at col. 5, lines 33-40.

As such, Ritter discloses transmitting the result of the authentication to an external secured device types. Notably, none of the Ritter's enumerated examples of external secured devices are a destination of communication. Moreover, Ritter's disclosure that the external

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secured device “refuses the access to the device 13 accordingly” to the result of the authentication suggests that Ritter’s transmitted result is not information about the judgment of legitimacy of the user. See Ritter at col. 5, line 9-14. Rather, Ritter’s transmission occurs before an access determination to the external secured device has been determined. As such, Ritter’s transmitted result is not information about the judgment of legitimacy of the user.

Hence, Ritter does not describe or suggest transmitting information about the judgment of legitimacy of the user to a destination of communication when the read biological information has matched the reference biological information, as required by amended claim 1.

The rejection relies on Harkin as disclosing a fingerprint sensing device. However, Harkin’s fingerprint sensing device does not remedy Ritter’s failure to describe or suggest transmitting information about the judgment of legitimacy of the user to a destination of communication when the read biological information has matched the reference biological information, as required by amended claim 1.

Accordingly, neither Ritter, Harkin, nor any proper combination of the references describes or suggests means for judging legitimacy of the user by checking read biological information with the reference biological information and means for transmitting information about the judgment to a destination of communication when the read biological information has matched the reference biological information, as recited in amended claim 1.

For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1, and its dependent claims 2, 3 and 6.

Similarly to amended claim 1, amended independent claims 7, 35, 43, 51, 57, 85 and 93 each recite means for judging legitimacy of the user by checking read biological information with the reference biological information, and means for transmitting information about the judgment to a destination of communication when the read biological information has matched the reference biological information. Accordingly, for at least the reasons described above with respect to claim 1, applicant requests reconsideration and withdrawal the rejection of independent claims 7, 35, 43, 51, 57, 85 and 93 and their dependent claims 8, 9, 12, 38, 46, 52, 53, 56, 58, 59, 62, 88 and 96.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated January 24, 2005, be extended for one month to and including May 24, 2006.

The fee in the amount of \$120.00 in payment of the Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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